

REMARKS

Claims 1-3, 5-12, 15, 16, 18, 19, 22-24, 26, and 27 are presently pending and stand rejected. Claim 29 is added.

Claims 1 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious from IBM, Copeland, XP-002202474 and Kim. Claim 1 is amended to recite, among other limitations, "concatenating at least one data bit onto each one of the plurality of color components split from said pixel; DC balancing each one of the plurality color components that were split from the pixel and concatenated with at least one data bit, wherein DC balancing further comprises adding at least one bit to each of said plurality of color components split from the pixel". Assignee respectfully submits that the combination of IBM, Copeland, XP-002202474 and Kim do not teach the foregoing. Claim 5 now recites, among other limitations, "audio data".

Examiner has indicated that "although IBM/Copeland does not explicitly recite 'audio', the [E]xaminers position is that video/audio are convention transmitted/received together for display/listening. The examiner will rely upon applicant's submitted XP-002202474 which evidences the concept of concatenating the audio with video in a DVI link system."

XP-002202474 merely discloses "transmit and receive digital audio data over the same uncompressed digital link as the video data". Even if the foregoing was deemed "concatenating audio with video", the foregoing does not

teach "concatenating at least one data bit onto *each one* of the plurality of color components split from said pixel".

In the Final Office Action, Examiner noted that:

...the only mention of concatenating audio onto a color component was disclosed in originally filed claim 25 (now cancelled). There is no disclosure supporting why this was not possible prior to the invention. Thus the examiner's position is that based upon the prior art which discloses transmitted audio and video together (where they are linked), since obviously synchronization between the two is required for proper picture/sound, the linking of audio onto the same stream/signal/component as the video is convention in the art, whereby the linking provides the expected result of linking such data. In the event the applicant disagrees and asserts that linking audio onto video provides unexpected results (in view of the ... KSR v. Teleflex) the examiner requests the applicant to clarify such in order to expedite prosecution.

If Examiner maintains the same reasoning with regards to the newly added limitation "concatenating at least one data bit onto each one of the plurality of color components split from said pixel", it is noted "concatenating at least one data bit onto each one of the plurality of color components" is shown in the specification. Figure 3, Data Bit 44 concatenated onto b0...b7, g0...g7, r0...r7, among other places. Moreover, 0028 states that "For example, the databit (Bit 8) may be used to transport digital audio data, status information, auxiliary data, etc.".

Assignee respectfully submits that none of the reference show "concatenating at least one data bit onto *each one* of the plurality of color components *split from said pixel*".

To the extent that Examiner is taking Official Notice, Assignee traverses and requests that Examiner provide a reference. Rather, Examiner concludes that this is the convention because (1) "There is no disclosure supporting why this was not possible prior to the invention"; and (2) the prior art "discloses transmitted audio and video together (where they are linked), since obviously synchronization between the two is required for proper picture/sound, the linking of audio onto the same stream/signal/component as the video is convention in the art, whereby the linking provides the expected result of linking such data".

There is no absolutely no legal requirement that Applicant establish that a limitation "was not possible prior to the invention". Moreover, it follows that if something is convention, a reference disclosing such convention should easily be found. No such reference has been submitted by Examiner. To the extent that Examiner takes official notice, Assignee respectfully traverse and request that Examiner provide a reference.

It is also noted that the present case is distinguishable from *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ____ (2007). In *KSR v. Teleflex*, the combination of references explicitly taught *every limitation* in the claim ("Asano taught everything claim in claim 4 except That additional aspect was revealed in sources such as the '068 patent and the sensors used by Chevrolet"). At issue was whether the references could be properly combined. In the present case, there is no showing of any reference that teaches "concatenating at least one data bit onto each one

of the plurality of color components *split from said pixel*". Accordingly, Assignee respectfully requests that Examiner withdraw the rejection to claims 1 and 22.

Additionally, Assignee has added claim 29 reciting, among other limitations, "examining the at least one data bit that are concatenated onto each one of the plurality of color components; and detecting a blanking interval if the at least one data bit that are concatenated onto each one of the plurality of color components form a data word have a particular value".

CONCLUSION

For at least the foregoing reasons, Assignee respectfully submits that each of the pending claims are allowable and Examiner is respectfully requested to pass this case to issuance. The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: January 5, 2009

Respectfully submitted,



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